

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

TERRY BALDWIN,)	8:08CV511
)	
Petitioner,)	
)	
v.)	MEMORANDUM
)	AND ORDER
STATE OF NEBRASKA,)	
)	
Respondent.)	

This matter is before the court on Petitioner's Motion to Extend Time to File Application and Affidavit for IFP. (Filing No. 5.) For good cause shown, the Motion is granted. This case cannot proceed until Petitioner either tenders the \$5.00 fee to the Clerk of the court or submits a request to proceed in forma pauperis and an affidavit of poverty in support thereof. In light of this, the court cannot extend the time to file a motion for leave to proceed in forma pauperis "indefinitely," as Petitioner requests. Instead, Petitioner shall have an additional 45 days, or until April 9, 2009, to comply with the court's previous Memorandum and Order.

IT IS THEREFORE ORDERED that:

1. Petitioner's Motion to Extend Time to File Application and Affidavit for IFP (filing no. 5) is granted.

2. Petitioner shall have until April 9, 2009, to either tender the \$5.00 fee to the Clerk of the court or to submit a request to proceed in forma pauperis and an affidavit of poverty in support thereof.

3. Failure to comply with this Memorandum and Order will result in dismissal of this matter without further notice.

4. The Clerk of the court send to Petitioner another Form AO240, Application to Proceed Without Prepayment of Fees and Affidavit.

February 20, 2009.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge